

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)
UNITED STATES OF AMERICA)
)
V.)
)
DANIEL W. McELROY,)
AIMEE J. KING McELROY, and)
XIEU VAN SON)
)
)

CRIMINAL NO. 05-10019RGS

MOTION TO QUASH SUBPOENA FOR MARGARET MAYER

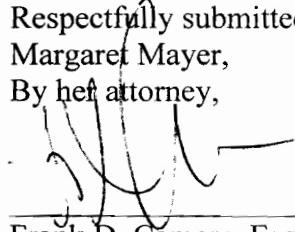
Now comes the Movant, Margaret Mayer, a party now under subpoena in the above-captioned matter, and hereby moves this Honorable Court, pursuant to Federal Rule of Criminal Procedure 17 (c)(2) and Local Rules 112.1 and 7.1, to quash a subpoena duces tecum served upon her, which requires her to appear in this Court on January 17, 2007 at 2:30 p.m. to testify in the above matter, and to bring with her all documentation set forth in Schedule "A" of the subpoena.

This subpoena served upon the Movant, Margaret Mayer, is unreasonable, oppressive, improper, irrelevant and should therefore be quashed

WHEREFORE, the Movant respectfully moves this Court to issue an order quashing the subpoena served upon her and granting such other relief as deemed just and proper.

See attached Affidavit.

Respectfully submitted,
Margaret Mayer,
By her attorney,



Frank D. Camera, Esq.
BBO#: 635930
56 N. Main Street, Suite 303
Fall River, MA 02720
508-677-2878
508-677-2876 Fax

Dated: January 16, 2008

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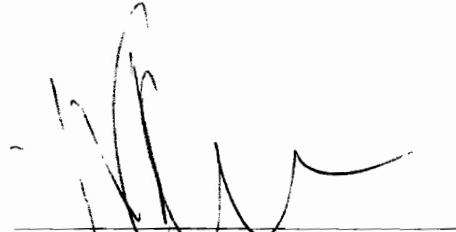
**ATTORNEY'S AFFIDAVIT IN SUPPORT OF
MOTION TO QUASH SUBPOENA**

I, Frank D. Camera, being duly sworn, hereby depose and say the following:

1. I am an attorney duly licensed to practice in the Commonwealth of Massachusetts and the United States District Court of Massachusetts.
2. I am counsel for the Movant, Margaret Mayer, the party subpoenaed in the above-captioned matter.
3. Said subpoena seeks the production of the following items as set forth in Schedule "A":
 - (1) all payroll records of Margaret Mayer from 2003 until the present, including W-2's, 1099's, payroll checks and job applications;
 - (2) all bank statements, including deposit slips and all cancelled checks for the period 2003 to the present;
 - (3) all records from 2003 to the present, indicating the names and addresses of the customers of Advanced Temporary Services, Inc.
 - (4) all payroll records, including IRS form W-2's and IRS form 1099's for all temporary workers employed by or through Advanced Temporary Services, Inc. for the period 2003 through the present; and
 - (5) all federal income tax returns, including all schedules for Advanced Temporary Services, Inc. for the period 2003 through the present.

4. Based upon my review of the indictment, the subpoena in question calls for information that has no relevance to the defense of either Daniel McElroy and/or Aimee King McElroy.
5. A thorough reading of the above indictment in no way involves the Movant, Margaret Mayer, or Advanced Temporary Services, Inc.
6. Any involvement Mayer had with Advanced Temporary Services, Inc. ceased on or about November 2007. Therefore, regarding items 3-5, the Movant has no standing for which to comply.
7. It would appear that the documents being sought are also too numerous and unreasonable and would produce no benefit to the defense.
8. The defendants have shown no good cause for the issuance of this subpoena and it is clearly being employed for the impermissible purpose of obtaining irrelevant evidence while subjecting the Movant to great inconvenience and hardship and to merely conduct an otherwise unpermitted "fishing expedition". See United States v. Shinderman, M.D. 432 F. Supp. 2d 157 (2006).
9. Defendant's subpoena should be quashed.

Dated: January 16, 2008



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